

REMARKS

In response to the Office Action dated August 13, 2008 rejecting all of the pending claims, Applicant submits the foregoing amendments and the following remarks. Claims 1-10 are pending in the application and are presented for further examination. Reconsideration of the patentability of these claims is respectfully requested.

I. Claim Objections

In the Office Action, all of the pending claims were objected to because of a number of informalities. Except as specifically referenced below, the foregoing claim amendments are made in order to improve the clarity of the claim language and to otherwise improve the capacity of the claims to particularly and distinctly point out what is regarded as the invention to those of skill in the art. In view of the foregoing amendments, withdrawal of the objections to the claims is respectfully requested.

II. Claim Rejections under 35 U.S.C. § 103(a)

A. claims 1, 4, 6, and 8-10

In the Office Action, claims 1, 4, 6, and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,460,883 to Paz, et al. ("Paz") in view of U.S. Patent No. 4,506,484 to Bartlett, et al. ("Bartlett"). Applicant respectfully submits that these claims are patentable over the combination of Paz and Bartlett for at least two reasons. First, Paz and Bartlett, either alone or when combined, fail to teach or suggest all of the subject matter called for in the pending claims. Second, a person of skill in the art motivated to modify Paz based on the teachings of Bartlett would not arrive at the claimed invention.

1. Paz and Bartlett do not teach or suggest all of the subject matter regarded as the invention.

Without considering whether Paz and Bartlett teach or suggest all of the subject matter of the original claims, independent claims 1 and 8 have been amended to more clearly distinguish the present invention over the art of record. Claim 1 is directed to a jointing system for supporting a number of cladding panels on a building. Claim 8 is directed to a method of fastening cladding panels to a building with a jointing system.

To this end, the jointing system includes an elongated support member having an inner flange, an outer flange, and a web connecting the flanges such that the support member is substantially H-shaped in cross section. The inner flange is designed to be fastened to the building. The outer flange is designed to fit within slots in the panels to hold them in place. By virtue of having a substantially H-shaped cross section, the elongate support member has two elongate recess, one on either side of the web. Sealing means are received in these recesses and cooperate with the panels to keep out moisture from the space present between the panel and the building.

In the Office Action, it was asserted that Paz teaches an elongate support member (14) having an H-shaped cross section and with inner and outer flanges (41, 58) and a web extending therebetween. See August 13, 2008 Office Action, pages 3-4; see also "Fig. 14A" on page 8 pictorially depicting the Office Action's interpretation of Paz. The Office Action also asserted that Paz teaches that the web is H-shaped. Id., page 5 ("H-shaped web member").

Applicant respectfully disagrees with the first assertion, at least to the extent that the support member (14) has an H-shaped cross section, but does agree with the second assertion, at least to the extent that the "web member" (not numbered, but indicated to be the structure from which the inner and outer flanges (41, 58) extend) is H-shaped in cross section. As clearly shown in "Fig. 14A," the support

member (14) of Paz is not "substantially H-shaped in cross section" as called for in claims 1 and 8. This point actually seems to be conceded in the Office Action as evidenced by the use of the "**General H-Shape**" (emphasis added) descriptor directed to the entire support member (14) of "Fig. 14A." Id., page 8. However, the inner and outer flanges (41, 58) extending outwardly from the web eliminate support for the assertion that the support member (14), as a whole, is H-shaped in cross section.

Accordingly, Applicant respectfully asserts that Paz does not teach or suggest an elongate support member substantially H-shaped in cross section. Bartlett does not overcome the shortcomings of Paz. In view of the foregoing, the Office Action's conclusion of obviousness cannot be supported by the teachings of these references.

2. One of ordinary skill in the art motivated to modify Paz with the teachings of Bartlett would not arrive at the claimed invention.

In the Office Action, it was asserted that Bartlett discloses sealing means, incorrectly identified as the "elongated gaskets 28". See August 13, 2008 Office Action, page 4. The gaskets (28) do not seal the panels (12) but instead have a low friction coefficient so as to allow the panels (12) to shift in response to thermal expansion. See, e.g., Bartlett, col. 5, ll. 10-15. Despite this error, Bartlett does disclose sealing means in the form of foam rods (60) compressed between adjacent panels (12) and affixed therein via an elastomeric sealing agent (62). Bartlett, col. 5, ll. 27-32 and col. 6, ll. 49-57. Because the panels (12) are retained by clips (30) extending into holes (34) in the sides of the panels (12), the wall cannot be sealed until after the panels (12) have been installed. Id.

Paz teaches a tongue-and-groove connection between the panels (23) and support members (14). See, e.g., Paz, Fig. 14. As such, the joints between the panels (23) and the support members (14) do not have an appreciable gap or

space between them. With reference to "Fig. 14A" of the Office Action, a person motivated to seal the panels (23) of Paz would be taught by Bartlett to fill the gaps between the panels (23) (i.e., the upwardly-facing channel of the support member (14)) and thereafter apply a sealant over the entire space between adjacent panels (23).

For these reasons, modifying Paz by the teachings of Bartlett does not lead such a motivated person to the claimed invention and the Office Action's conclusion of obviousness cannot be supported by these references. Claim 1, for example, calls for "an elongate recess on each side [] of [the web connecting the inner and outer flanges] for receiving sealing means therein" while independent claim 8 calls for substantially similar subject matter. As demonstrated above, Paz modified by Bartlett does not teach (nor suggest) an elongate recess on each side of the web for receiving sealing means therein.

For at least these reasons, claims 1 and 8 are believed to be patentably distinct over the Paz in view of Bartlett. Claims 4, 6, 9, and 10 are also believed to define patentable subject matter as each depends from an allowable base claim. However, Applicant asserts that these claims include subject matter further distinguishable from the art of record beyond the chain of dependency.

Accordingly, withdrawal of the rejection of claims 1, 4, 6, and 8-10 as being unpatentable under 35 U.S.C. § 103(a) is respectfully requested.

B. claims 2, 3, 5, and 7

In the Office Action, the remaining dependent claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Paz in view of Bartlett and further in view of either U.S. Patent No. 6,170,214 to Treister, et al. (claim 2), U.S. Pat. Pub. No. 2005/0097841 to Milligan, et al. (claim 3), UK Patent No. 2,223,787 to Turner (claim 5), or U.S. Patent No. 3,363,381 to Forrest (claim 7).

Applicant respectfully submits that these claims are patentable over the cited references, at least pursuant to the chain of dependency from allowable base claim

1. Further, none of the cited references solve the deficiencies of Paz and Bartlett for any of the pending claims. Accordingly, withdrawal of the rejection of claims 2, 3, 5, and 7 as being unpatentable under 35 U.S.C. § 103(a) is respectfully requested.

III. Conclusion

Applicant has endeavored to address all of the concerns expressed in the Office Action of August 13, 2008. Accordingly, amendments to the claims, the reasons therefore, and support for the patentability of the pending claims are presented above. In light of the claim amendments and remarks, reconsideration and withdrawal of the claim objections and rejections is respectfully requested.

The Examiner is invited to contact the undersigned if it is believed that doing so would aid in furthering the allowance of the pending claims.

No fees are believed due for filing this response. However, if a fee is deemed to be due so that this response may be deemed to be timely filed, please charge any such fee to Deposit Account No. 17-0055.

Respectfully submitted,

Angelo Michael Turco

Date: November 13, 2008

By: 

Benjamin J. Peirce
Reg. No. 60,481
Attorney for Applicant
Quarles & Brady LLP
411 E. Wisconsin Avenue
Milwaukee WI 53202-4497
Ph: (414) 277-5249